

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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AMERICA TAVAREZ,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,
Defendant.
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DOC #:
DATE FILED: 4/8/2021

20 CIVIL 7752 (RA)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Stipulation and Order dated April 7, 2021, that to the extent that the above-captioned action challenged the Commissioner's final decision that Plaintiff was not disabled under the Act between July 25, 2013 and October 10, 2018, the above-captioned action be, and hereby is, dismissed with prejudice and without costs to either party, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure; and IT IS FURTHER STIPULATED AND AGREED, by and between the attorneys for plaintiff and defendant, that to the extent that the Commissioner's final decision found that Plaintiff was not disabled under the Act between October 11, 2018 through May 14, 2019, the Commissioner's final decision be, and hereby is, reversed, and that this action be, and hereby is, remanded to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), for the Commissioner to issue a partially favorable decision finding Plaintiff eligible, based on her age, to receive SSI benefits under Title XVI of the Act as of October 11, 2018, and to issue a separate determination on whether Plaintiff meets the income and resources requirements to receive SSI benefits under Title XVI of the Act; accordingly, the case is closed.

Dated: New York, New York
April 8, 2021

RUBY J. KRAJICK

BY:

Clerk of Court

Kmango

Deputy Clerk